

REMARKS

Amendments to the Specification

The specification has been amended to remove embedded hyperlinks. No new matter has been added.

Claim Amendments

Applicants thank the Examiner for the acknowledgement that claim 7 is free of the prior art.

Claims 1-26 were pending. Claims 1-6, 8-10, 12, 13, 15, and 20-25 have been canceled without prejudice. Accordingly, claims 7, 11, 14, 16-19, and 26 are currently pending and under examination.

Claims 7, 11 and 26 have been amended.

Specifically, claim 7 has been amended to replace “FRD3” with “ferric reductase defective (FRD3),” as suggested by the Examiner.

Claim 11 has been amended to incorporate the subject matter of claim 7.

Claim 26 has been amended to depend from claim 7.

The foregoing claim amendments should not be construed as an acquiescence to any of the Examiner’s rejections and have been made solely to expedite prosecution. Applicants reserve the right to pursue the claims as originally filed in this or a separate application(s). No new matter has been added.

Claim Objections

The Examiner has objected to claims 7-9, 12 and 13. To expedite prosecution, claims 8, 9, 12, and 13 have been canceled without prejudice. Further, claim 7 has been amended as suggested by the Examiner. Accordingly, these objections are moot.

Rejection of Claims 11-14, 16-19 and 26 Under 35 U.S.C. §112, First Paragraph

Claims 11-14, 16-19 and 26 are rejected as not being enabled. Specifically, the Examiner states that the specification:

while being enabling for the isolated polypeptides of SEQ ID NO:3, 6, and 9, transgenic plant comprising it and a method of using said plant to remove metal contaminants, does not reasonably provide enablement for a transgenic plant

comprising a portion of SEQ ID NO:3, 6, or 9 and polymorphic variants thereof having FRD3 activity . . .

Applicants note that 12 and 13 have been canceled without prejudice. Therefore, this rejection is moot as it pertains to these claims. With respect to the remaining claims, Applicants respectfully traverse this rejection. However, to expedite prosecution, independent claim 11 has been amended to incorporate the subject matter of claim 7. Further, claim 26 has been amended to depend from claim 7. Since this rejection does not pertain to claim 7, the foregoing amendments obviate the rejection.

Rejection of Claims 11-14, 16-19 and 26 Under 35 U.S.C. §112, First Paragraph

Claims 11-14, 16-19 and 26 are rejected as not meeting the written description requirement. Applicants respectfully traverse this rejection. However, to expedite prosecution, claims 12 and 13 have been canceled without prejudice. Further, independent claims 11 and 26 have been amended to incorporate the subject matter of claim 7 or depend directly from claim 7, to which this rejection does not apply. Accordingly, this rejection is moot.

Rejection of Claims 11-14, 16-19 and 26 Under 35 U.S.C. §102(b)

Claims 11-14, 16-19 and 26 are rejected as being anticipated by Guerinot *et al.* (US 5,846,821). Specifically, the Examiner states that:

given the broad scope and the vast number of undescribed iron regulated polypeptides encompassed by the claims, the claimed transgenic plants expressing undescribed frd3 polypeptide including a portion, a polymorphic variant or an allelic variant of SEQ ID NO:3, 6, or 9 are identical to those of the prior art . . .

Without acquiescing to this rejections and solely to expedite prosecution, claims 12 and 13 have been canceled without prejudice. Further, independent claims 11 and 26 have been amended to incorporate the subject matter of claim 7 or depend directly from claim 7, to which this rejection does not apply. Accordingly, this rejection is moot.


SUMMARY

Based on the foregoing amendments and arguments, reconsideration and withdrawal of all the rejections, and allowance of this application with all pending claims are respectfully requested. If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned at (617) 227-7400.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 12-0080, under Order No. DCI-111.

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Respectfully submitted,

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